

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED

CLERK'S OFFICE

UNITED STATES OF AMERICA )  
)  
)  
v. )  
)  
ALEXIS MORALES, )  
)  
Defendant. )

2004 SEP 10 P 3:07

U.S. DISTRICT COURT  
Criminal No. 04-10019-FDS

**JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5**

The United States of America and the Defendant Alexis Morales, by his counsel, Eduardo A. Masferrer, Esq., respectively, hereby submit this joint memorandum addressing the issues set forth in Local Rule 116.5. The parties do not believe that a status conference, now scheduled for September 13, 2004, is necessary.

**Local Rule 116.5(A) (1)**

The parties do not seek relief from the applicable timing requirements of Local Rule 116.3 at this time.

**Local Rule 116.5(A) (2)**

The government and the defendants request discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(G). The parties agree that the government should provide discovery within the scope of Fed. R. Crim. P. 16(a)(1)(G), including a fingerprint report and expert witness discovery, no later than 30 days prior to trial, and the defendants shall provide reciprocal discovery concerning expert witnesses no later than 10 days prior

to trial.

**Local Rule 116.5(A) (3)**

By letter dated August 23, 2004, the government provided Rule 16(a) discovery in this case and discovery required under the Local Rules. The government anticipates providing additional discovery such as Section 3500 material, Giglio material for witnesses and, any exculpatory evidence, should the government learn of any such evidence. The government will provide Giglio material 21 days before trial. The parties expect to complete the exchange of other discovery ten days before trial.

**Local Rule 116.5(A) (4)**

The parties believe that it is too soon in the discovery process to determine whether a motion date should be established under Fed. R. Crim. P. 12(c).

**Local Rule 116.5(A) (5)**

The parties agree that the period from July 21, 2004, the date on which Defendant first appeared before this Court to enter a plea to a complaint, through the next status conference, is excludable because of the pendency of a motion to detain, Defendant's detention by State authorities, and this Court's order of excludable time. In addition, because the parties are using the period of the continuance to complete production and review of discovery, the parties request that this Court find that the ends of justice served by excluding the period September 13, 2004 through the next status conference outweigh the best

interest of the public and the defendant in a speedy trial,  
pursuant to 18 U.S.C. § 3161(h)(8)(A).

**Local Rule 116.5(A)(6)**

The parties are reviewing discovery and agree that it is too early to determine whether or not a trial will be necessary. If a trial is necessary, the parties expect that the trial would take three days.


**Local Rule 116.5(A)(7)**

The parties believe that a final status conference should be held on or after October 13, 2004.

Respectfully submitted,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By:

  
DAVID HENNESSY  
Assistant U.S. Attorney

ALEXIS MORALES

By:

  
EDUARDO A. MASFERRER, ESQ.